

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

463P119

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

**10/501386**

INTERNATIONAL APPLICATION NO.

PCT/JP03/011193

INTERNATIONAL FILING DATE

2 September 2003

PRIORITY DATE CLAIMED

3 September 2002

TITLE OF INVENTION

SURVEYING INSTRUMENT

APPLICANT(S) FOR DO/EO/US

Kaoru Kumagai and Fumio Ohtomo

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☒ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☒ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11 to 20 below concern document(s) or information included:**

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☒ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information:
  1. Copy of the International Search Report.
  2. Copy of Form PCT/IB/308; and
  3. Copy of Form PCT/IB/304.

U.S. APPLICATION NO. (if known, see 37 CFR 1.51)

10/501386

INTERNATIONAL APPLICATION NO.

PCT/JP03/011193

ATTORNEY'S DOCKET NUMBER  
463P11921. ☒ The following fees are submitted:**BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):**

Neither international preliminary examination fee (37 CFR 1.482)  
nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO  
and International Search Report not prepared by the EPO or JPO..... \$1080.00

International preliminary examination fee (37 CFR 1.482) not paid to  
USPTO but International Search Report prepared by the EPO or JPO ..... \$920.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO  
but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$770.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO  
but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$730.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO  
and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$100.00

**ENTER APPROPRIATE BASIC FEE AMOUNT =****CALCULATIONS PTO USE ONLY**

\$ 920.00

Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months  
from the earliest claimed priority date (37 CFR 1.492(e)).

\$ -

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total claims	9 - 20 =	0	x \$18.00	\$ 0
Independent claims	2 - 3 =	0	x \$86.00	\$ 0
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$290.00	\$ 290.00
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$ 1,210.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$ -
<b>SUBTOTAL =</b>				\$ 1,210.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$ -
<b>TOTAL NATIONAL FEE =</b>				\$ 1,210.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$ 40.00
<b>TOTAL FEES ENCLOSED =</b>				\$ 1,250.00
				Amount to be refunded: \$
				charged: \$

\$ 920.00

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<b>TOTAL FEES ENCLOSED =</b>				\$ 1,250.00
				Amount to be refunded: \$
				charged: \$

\$ 290.00

**TOTAL OF ABOVE CALCULATIONS =**

\$ 1,210.00

☐ Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.

\$ -

**SUBTOTAL =**

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Processing fee of \$130.00 for furnishing the English translation later than 30 months  
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\$ 40.00

**TOTAL FEES ENCLOSED =**

\$ 1,250.00

Amount to be  
refunded:

\$

charged:

\$

a. ☒ A check in the amount of \$ 1,210.00 & 40.00 to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any  
overpayment to Deposit Account No. 14-0930. A duplicate copy of this sheet is enclosed.

d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card  
information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a)  
or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Nields & Lemack  
176 E. Main Street  
Suite 7  
Westboro, MA 01581

SIGNATURE

Kevin S. Lemack

NAME

32,579

REGISTRATION NUMBER

Attorney Docket No. 463P119

IN THE UNITED STATES PATENT AND TRADEMARK OFFICEIn re application of: **Kaoru Kumagai and Fumio Ohtomo**For: **SURVEYING INSTRUMENT**

Commissioner of Patents  
P.O. Box 1450  
Mail Stop: PCT  
Alexandria, VA 22313-1450

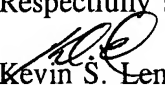
Sir: LETTER

The above-identified applicants enclose for filing the national phase of a PCT patent application (PCT/JP03/011193) entitled "SURVEYING INSTRUMENT". Said attached PCT patent application includes (1) Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371 (2-Pages); (2) Translation of the International Application into English: 5-Page Request, 23-Page Specification (including 3-Pages of Claims (8) and 1-Page Abstract) and 6-sheets of A4 size formal drawings; (3) Executed Declaration (2-Pages) and Powers of Attorney (2-Pages); (4) Check in the amount of \$1,210.00 in payment of the Filing Fee; (5) Copy of the International Search Report (2-pages); (6) Recordation Form Cover Sheet (1-Page), Assignment (2-Pages); (7) Check in the amount of \$40.00 in payment of the Recording Fee; (8) Copy of the Notice Informing the Applicant of the Communication of the International Application to the Designated Offices (Form PCT/IB/308)(1-Page); and (9) Copy of the Notification Concerning Submission of Priority Document (Form PCT/IB/304)(1-Page).

All correspondence concerning this application should be mailed to: **CUSTOMER NO: 42754**

**Kevin S. Lemack**  
**Nields & Lemack**  
**176 E. Main Street - Suite 7**  
**Westboro, Massachusetts 01581**

Respectfully submitted,

  
Kevin S. Lemack  
Attorney for Applicant  
Registration No. 32,579

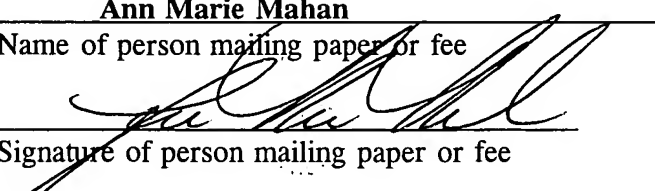
Date: July 14, 2004**EXPRESS MAIL NO: ER 908003705 US**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Kaoru Kumagai et al.  
Serial No. : Not yet assigned (PCT/JP03/011193)  
Filed : Herewith By Express Mail (2 September 2003)  
For : SURVEYING INSTRUMENT  
Examiner : Not yet assigned  
Art Unit : Not yet assigned  
Attorney  
Docket No. : 463P119  
Type of paper : Translation of the International Application into English

"EXPRESS MAIL" MAILING LABEL NO ER 908003705 US  
DATE OF DEPOSIT: July 14, 2004

I hereby certify that this patent application is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner for Patents, P.O. Box 1450, Mail Stop: PCT, Alexandria, VA 22313-1450.

Ann Marie Mahan  
Name of person mailing paper or fee  
  
Signature of person mailing paper or fee

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

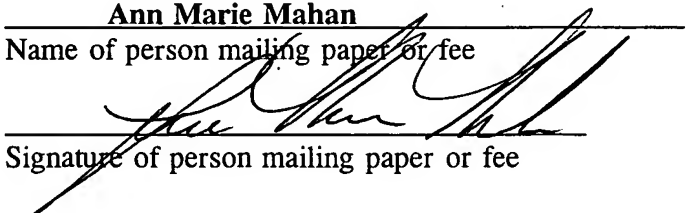
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Art Unit : Not yet assigned  
Attorney  
Docket No. : 463P119  
Type of paper : Transmittal Letter To The United States Designated/Elected  
Office (DO/EO/US) Concerning A Filing Under 35 U.S.C. 371

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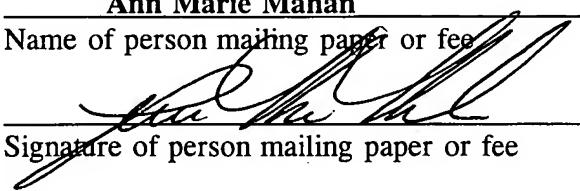
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Examiner : Not yet assigned  
Art Unit : Not yet assigned  
Attorney  
Docket No. : 463P119  
Type of paper : Letter

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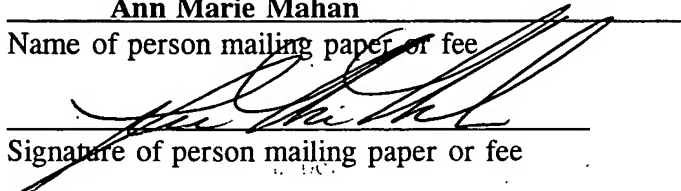
Applicants : Kaoru Kumagai et al.  
Serial No. : Not yet assigned (PCT/JP03/011193)  
Filed : Herewith By Express Mail (2 September 2003)  
For : SURVEYING INSTRUMENT  
Examiner : Not yet assigned  
Art Unit : Not yet assigned  
Attorney  
Docket No. : 463P119  
Type of paper : Assignment

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10/501386

5 P3314 P3314 14 JUL 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

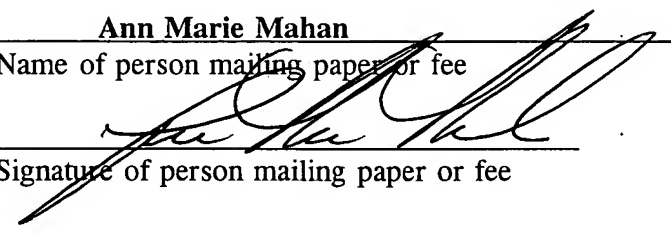
Applicants : Kaoru Kumagai et al.  
Serial No. : Not yet assigned (PCT/JP03/011193)  
Filed : Herewith By Express Mail (2 September 2003)  
For : SURVEYING INSTRUMENT  
Examiner : Not yet assigned  
Art Unit : Not yet assigned  
Attorney  
Docket No. : 463P119  
Type of paper : Recording Fee

"EXPRESS MAIL" MAILING LABEL NO ER 908003705 US  
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Examiner : Not yet assigned  
Art Unit : Not yet assigned  
Attorney  
Docket No. : 463P119  
Type of paper : Copy of Notice Informing The Applicant of the Communication of  
the International Application to the Designated Offices  
(Form PCT/IB/308)

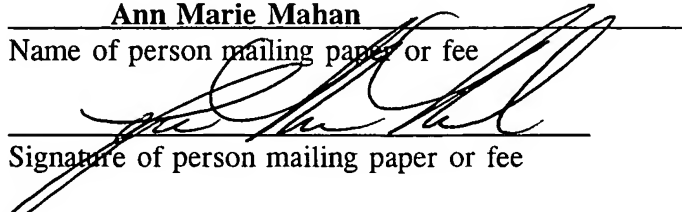
"EXPRESS MAIL" MAILING LABEL NO ER 908003705 US

DATE OF DEPOSIT: July 14, 2004

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Examiner : Not yet assigned  
Art Unit : Not yet assigned  
Attorney  
Docket No. : 463P119  
Type of paper : Copy of Notification Concerning Submission or Transmittal of Priority Document (Form PCT/IB/304)

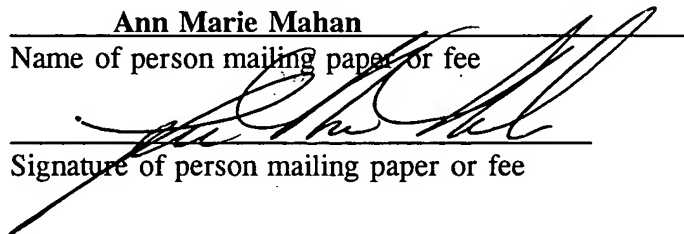
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Res's PCT/PTO 14 JUL 2004

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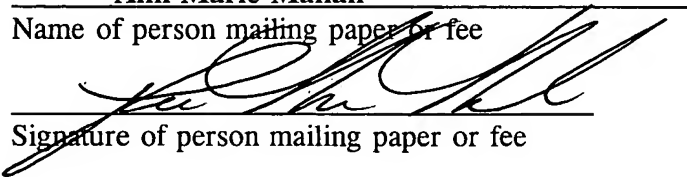
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Examiner : Not yet assigned  
Art Unit : Not yet assigned  
Attorney :  
Docket No. : 463P119  
Type of paper : Copy of the International Search Report

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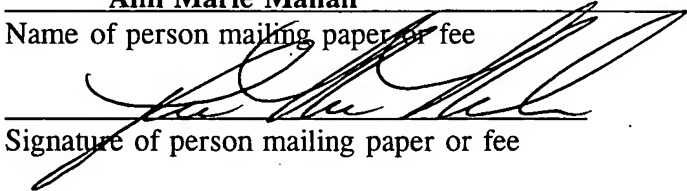
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Examiner : Not yet assigned  
Art Unit : Not yet assigned  
Attorney  
Docket No. : 463P119  
Type of paper : Filing Fee

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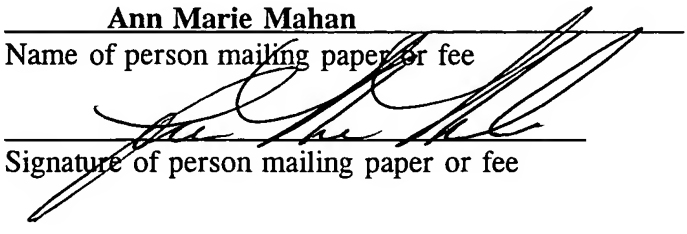
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Filed : Herewith By Express Mail (2 September 2003)  
For : SURVEYING INSTRUMENT  
Examiner : Not yet assigned  
Art Unit : Not yet assigned  
Attorney  
Docket No. : 463P119  
Type of paper : Executed Declaration and Powers of Attorney

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DATE OF DEPOSIT: July 14, 2004

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